

*The Law Office of*  
**DEBRA J. FICKLER**  
*Intellectual Property and Nonprofit Law*

**RECEIVED**  
**CENTRAL FAX CENTER**

**MAR 01 2005**

Debra J. Fickler  
Attorney at Law  
12525 Grandview Drive  
Huntley, Illinois 60142

Tel: (847) 274-5414  
Fax: (847) 669-9698  
E-mail: djfickler@att.net

*Specializing in the High Performance Industry*

# Fax

<b>To:</b>	Mail Stop Petition	<b>From:</b>	Debra J. Fickler
<b>Of:</b>	Commissioner for Patents	<b>Pages:</b>	12 Total
<b>Fax:</b>	703-872-9306	<b>Date:</b>	March 1, 2005
<b>Re:</b>	Appl. No. 09/989,783	<b>Ref:</b>	05235.00002

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

---

• **Comments:**

Please forward the following communication to Mail Stop Petition.

Thank you for your assistance with this matter.

**IMPORTANT/CONFIDENTIAL:** This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law office of Debra J. Fickler which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be glad to arrange for the return of this message to our office at not cost to you.

PTO/SB-07 (08-00)

Approved for use through 10/31/2002. OMB 0651-0001

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

on 03/01/2005

Date



Signature

Debra J Fickler

Typed or printed name of person signing Certificate

**Note:** Each paper must have its own certificate of transmission, or this certificate must identify  
each submitted paper.

1. Petition For Revival of An Application for Patent Abandonment  
Unavoidably Under 37 CFR 1.137(a);
2. Exhibits: 1) Power of Attorney; 2) Change of Correspondence Address;
3. Fee Transmittal (In Duplicate);
4. Credit Card Payment Form; and
5. Revocation of Power of Attorney with New Power of Attorney and  
Change of Correspondence Address.

**Burden Hour Statement:** This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB47 (10-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 55.00**Complete if Known**

Application Number	09/989,783
Filing Date	11/20/2001
First Named Inventor	BOYLE, Thomas J
Examiner Name	HWU, Davis D.
Art Unit	3752
Attorney Docket No.	05235.00002

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b> 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)</b> 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	55.00
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY**

Name (Print/Type)	Debra J. Fickler	Registration No. (Attorney/Agent)	46,699	Telephone	847-669-3117
Signature		Date	03/01/2005		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAR 01 2005

PTO/SB/51 (11-03)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

05235.00002

First Named Inventor: BOYLE, Thomas J.

Art Unit: 3752

Application Number: 09/989,783

Examiner: HWU, Davis D.

Filed: 11/20/2001

Title: Method and System for Testing a Foam-Water Fire Protection System

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**☒ Small entity - fee \$ 55.00 (37 CFR 1.17(i)). Applicant claims small entity status.  
See 37 CFR 1.27.☐ Other than small entity - fee \$ (37 CFR 1.17(i)).**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of  
Not Applicable (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

03/02/2005 EK011 00000005 09909703

01 FC:1999

55.00 OP

PTO/SB/81 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

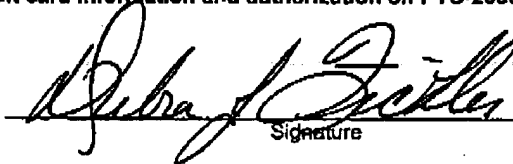
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.****WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

03/01/2005

Date



Signature

847-669-3117

Telephone Number

Debra J Fickler

Typed or printed name

46,699

Registration Number, if applicable

12525 Grandview Drive

Address

Huntley, IL 60142-9501

Address

Enclosure ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☒ (1) Copy of Originally Filed Power of Attorney; (2) Copy of Previously Filed Change of Correspondence Address; (3) New Revocation and Power of Attorney**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

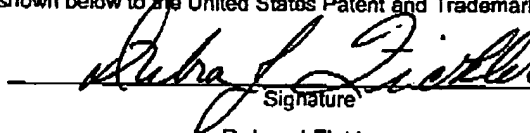
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9308.

03/01/2005

Date



Signature

Debra J Fickler

Typed or printed name of person signing certificate

(Page 2 of 3)

PTO/SB/01-03

Approved for use through 07/31/2006. OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

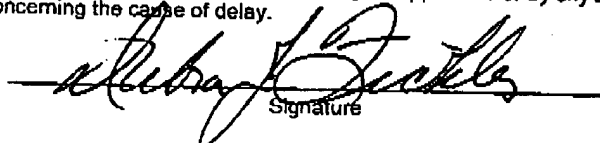
**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

03/01/2005

Date

46,699

Registration Number, if applicable



Signature

Debra J Fickler

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

This case was transferred from the law firm of Banner & Witcoff, to the Law Office of Debra J Fickler, after Ms. Fickler left the Banner & Witcoff firm. Ms. Fickler's name and registration number was on the original Power of Attorney signed by Applicant Boyle and filed with the application. Please see Exhibit 1. Once Ms. Fickler received the case file from the firm, she filed an Information Disclosure State on February 20, 2002 and included with the statement a Change of Correspondence Address. Please see Exhibit 2.

Ms. Fickler was unaware that an Office Action had been issued by the Examiner for this application and was unaware of the abandonment of the application until recently inquiring about the application on the USPTO Website.

Ms. Fickler did not have any reason to believe that the application had gone abandoned. Ms. Fickler had filed an Information Disclosure Statement for this application and included a Change of Correspondence Address. Moreover, in the past, when the Banner & Witcoff firm received an Office Action or other correspondence regarding a case that had been transferred to Ms. Fickler, the Banner & Witcoff firm would send a fax of the correspondence to Ms. Fickler. Ms. Fickler did not receive a fax of the Office Action for this application. Likewise, Ms. Fickler did not have reason to believe that an office had been issued. For example, she had just recently received a first Office Action in an application which was filed 2 months after this application. Therefore, she did not assume that the PTO had issued a first Office Action on this application.

Therefore, Applicant and Practitioner respectfully request that this application be revived and that all further correspondence be sent to Ms. Fickler. A Revocation and Power of Attorney executed by the application has been included with this petition.

(Please attach additional sheets if additional space is needed.)

(Page 3 of 3)